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Security Council

Sixty-sixth year

Provisional

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Tuesday, 17 May 2011, 10.10 a.m.

New York

President:	Mr. Araud	(France)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mr. Fernandes
	China	Mr. Yang Tao
	Colombia	Mr. Alzate
	Gabon	Mr. Messone
	Germany	Mr. Wittig
	India	Mr. Vinay Kumar
	Lebanon	Mr. Khachab
	Nigeria	Mr. Adamu
	Portugal	Mr. Vaz Patto
	Russian Federation	Mr. Pankin
	South Africa	Mr. Mashabane
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Mr. Dunn

Agenda

The situation in Burundi

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Burundi

The President (*spoke in French*): Under rule 37 of the Council's provisional rules of procedure, I invite the representative of Burundi to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite Ms. Karin Landgren, Special Representative of the Secretary-General and Head of the United Nations Office in Burundi, and Mr. Paul Seger, Permanent Representative of Switzerland, in his capacity as Chair of the Burundi configuration of the Peacebuilding Commission, to participate in this meeting.

I now give the floor to Ms. Landgren.

Ms. Landgren (*spoke in French*): Since the last meeting of the Security Council on the situation in Burundi (see S/PV.6439) five months ago, developments have taken place in the country, in particular with respect to transitional justice, human rights and laws governing the political parties.

Last month, Parliament adopted a law on the functioning and organization of political parties. The extra-parliamentary opposition, fearing an attempt to constrain its activities, followed this process closely. In response to that concern, an amendment that would have required all political parties to obtain new authorization was modified. Some opposition political parties still believe that the new law restricts the political space and have announced that they will not comply with it. The Government is also in the process of drafting a bill on the status of political parties in the opposition that would allow the creation of an official post of leader of the opposition, and on the funding of political parties and the functions of civil society organizations.

National, regional and international actors, including the United Nations Office in Burundi (BNUB), continue to encourage initiatives to promote dialogue between the Government and the extra-parliamentary opposition. To date, none of these initiatives has had the desired result of returning the main leaders of the opposition to Burundi so that they can again participate in the political life of the country.

On 14 March, the Executive Committee of the Conseil national pour la défense de la démocratie-Forces nationales pour la défense de la démocratie (CNDD-FDD) expelled a party executive, the Secretary of its Council of Elders, following his allegations of corruption and impunity within the party. He was replaced during the course of a special party congress on 14 May, during which congress members assessed the achievements of the CNDD-FDD since 2005.

While the security situation is generally calm, there has been an increase in violent incidents in Bujumbura Rural province in April. Until recently, the violence was attributed to bandits, but the Defence Ministry has just publicly blamed the lack of security on Mr. Agathon Rwasa and Mr. Léonard Nyangoma. The Government has launched important initiatives in the province, to include socio-economic recovery activities and the mandatory collection of weapons held illegally by the population. In a speech in Bujumbura Rural on 6 May, President Nkurunziza reassured the population that security would be re-established within two months.

(*spoke in English*)

The Government is preparing the second poverty reduction strategy paper. It will incorporate key elements of the Strategic Framework For Peacebuilding and harmonize efforts in both peace consolidation and development planning. This document, anticipated for July, will give focus to governance goals and resource mobilization efforts.

Burundi faces severe poverty and high unemployment, including among young people. The cost of fuel has increased by over 20 per cent since October, raising the prices of all basic commodities in turn and placing severe strains on many families. Burundi was traditionally self-sufficient in food production, but this is no longer the case, and 90 per cent of Burundian families now live on an average of half a hectare of eroded land. Agricultural tools and technology remain poor, and market incentives are limited.

Land has been the cause of many past conflicts in Burundi and remains an emotive issue. Parliament adopted a revised land code in April that includes the decentralization of land issues to the communes and

the establishment of a National Land Commission tasked with managing the redistribution of land and resolving disputes. These issues are among the daunting socio-economic challenges that need to be addressed to help consolidate peace in the country, as highlighted during the meeting of the Peacebuilding Commission on 21 April.

Graft remains a problem in Burundi. In April, the Ministry of Good Governance presented a broad-based national plan on good governance and the fight against corruption, taking on board substantive comments from the World Bank, the United Nations Development Programme and bilateral partners. This is intended as a framework for all partners and includes elements related to elections; judicial, legal and public sector reforms; human rights; and the media. This strategy is expected to be adopted on 23 May.

Other steps include the introduction of performance contracts for all officials, including ministers, since the beginning of the year. Their work will be evaluated every six months. All Government ministers have also presented their work plans to Parliament. In his Labour Day address to the nation on 1 May, President Nkurunziza reiterated the need to meet performance targets, warning that underperforming public officials would be dismissed.

I am pleased to report that the process of establishing an independent national human rights commission has moved steadily forward. On 5 January, the law creating the commission was promulgated by President Nkurunziza. An ad hoc parliamentary commission was then set up and vetted a large number of candidates. Twenty-one names were submitted to the National Assembly, which is expected to nominate seven as commissioners. I understand that this issue will be taken up today during a three-day extraordinary session of the National Assembly.

An impartial and independent national human rights commission can strengthen Burundi's compliance with its international obligations and enhance the protection and promotion of human rights, thus promoting national stability. In a related positive development, the Government responded favourably to a request for a return visit by the independent expert on the situation of human rights in Burundi, Mr. Fatsah Ouguergouz. His visit began yesterday.

A persistent concern has been the continued reports of extrajudicial executions. BNUB investigated and documented nine such cases between January and Much 2011 alone, and several other cases reported in April are under investigation. Between August and November last year, BNUB documented 11 extrajudicial executions. The Government set up a commission of inquiry in October 2010 to investigate specific allegations made against the security forces in this regard. It remained dormant until the end of April, when the Government announced that the commission had resumed work. We encourage the Government and the commission to establish the facts and make actionable recommendations where violations are established.

I want to acknowledge the relatively vibrant media that exists in Burundi, and the recent resolution of a case that had raised concerns. Jean-Claude Kavumbagu, director of NetPress, was detained in July 2010 on a charge of treason. While the State Prosecutor sought a maximum life sentence, the court acquitted Mr. Kavumbagu of the treason charge last Friday, finding him guilty of violating press laws. He was fined and sentenced to eight months in prison. As he had been detained for 10 months, he was released yesterday.

There are significant developments to report in the realm of transitional justice, where — following the national consultations that concluded in 2010 — the Government is taking steps to set up these mechanisms. On 3 May, a delegation led by the Minister of External Affairs outlined the Government's transitional justice strategy during a meeting with United Nations High Commissioner for Human Rights, Ms. Navi Pillay. The Government intends to create a truth and reconciliation commission, to be operational by January 2012, and to establish a judicial mechanism to address impunity after the commission has completed its work.

These are important commitments. The Government has underlined to BNUB that the truth and reconciliation commission process must be grounded in reconciliation and not in score-settling. For that, broad public awareness and orientation will be crucial. BNUB continues to sensitize the public through workshops where the results of the national consultations are shared and discussed. The Government will set up a seven-member preparatory committee to develop appropriate legislation and a budget and to review the experiences of other countries that have had truth and reconciliation commissions.

The United Nations looks forward to more detailed discussions with the Government, and remains ready to assist in the establishment of transitional justice mechanisms consistent with international standards. We anticipate that international financial support will also be needed in this area.

The full reintegration of demobilized ex-combatants is crucial for sustained peace in the country. While they had all received reintegration assistance by the end of April, much still remains to be done to help them become productive members of society. To that end, the Government and BNUB have developed a proposal to support the continued socio-economic reintegration of people affected by the conflict, including ex-combatants. The $24 million programme would support labour-intensive projects targeting the demobilized, youth and other vulnerable groups. The programme is in line with the United Nations strategic development framework in Burundi for the period 2010 to 2014. We are working with the Peacebuilding Support Office to mobilize initial funding to launch the programme.

As stipulated in resolution 1959 (2010), the United Nations Integrated Office in Burundi (BINUB) has been succeeded by a scaled-down presence, namely, the United Nations Office in Burundi. I am pleased to report that the transition is going well. We expect to reach BNUB's authorized level of 134 staff by 1 July. That represents a 70 per cent reduction from BINUB. As difficult as it is for any staff member to lose his or her job in the current climate, the process has been peaceful. We continue to work with the Government of Burundi to ensure that the needs of separated staff are dealt with in a responsible manner.

Throughout the transition, BNUB has continued to carry out its core tasks in support of the consolidation of peace and democracy in Burundi. We continue to encourage efforts to promote inclusive political dialogue between the Government and the extra-parliamentary opposition. We are helping the Government to strengthen its key institutions and supporting efforts to professionalize and enhance the capacity of security and defence forces. We are working with civil society and other stakeholders to promote and protect human rights and prepare the ground for the establishment of viable transitional justice mechanisms. And BNUB is identifying possible areas of support with regard to the country's integration into the East African Community, which is determined to see Burundi move forward in peace and economic strength.

In accordance with its mandate, BNUB is currently developing benchmarks for its exit and evolution into a regular United Nations country team presence. Discussions within the United Nations family have begun and will be followed by consultations with national and international partners. As the Council is aware, the Secretary-General has appointed Ms. Rosine Sori-Coulibaly as my Deputy and United Nations Resident Coordinator in Burundi. I look forward to working closely with her to maximize the impact of the United Nations system's efforts in support of the Burundian Government and people.

In conclusion, I would like to thank the members of the Council and of the Peacebuilding Commission, the United Nations family and all other partners who have been so steadfast in their support of Burundi in its remarkable transition. The commendable efforts of the Burundian Government and people in consolidating the gains achieved in peacebuilding and paving the way for sustainable development deserve our strong and continued support.

The President (*spoke in French*): I thank Ms. Landgren for her briefing.

I now give the floor to Mr. Paul Seger.

Mr. Seger (*spoke in French*): Please pardon, Mr. President, the slight delay in my arrival. The Swiss desire for punctuality stands in contrast to the slowness for which we are sometimes known. This reminds me of what Albert Einstein once said about dying. He said that, on that day, he would like to return to Switzerland, as everything there happened 10 years after everywhere else. But we are not here to talk about Switzerland or Albert Einstein, but instead of Burundi.

As Karin Landgren has just mentioned, the most important development on Burundi since the Council's last meeting (see S/PV.6439) on this issue at which I participated was, without a doubt, the development of the final document containing the conclusions of the fourth biannual review of the implementation of the Strategic Framework for Peacebuilding in Burundi. As the Security Council is aware, that document was adopted on 21 April. This is essentially the last document of its kind. Henceforth, we will try to combine the peacebuilding strategy with the strategy to combat poverty, illustrating what I said during the last

meeting, namely, that there can be no peace without development or development without peace. I will shortly return to the new strategic framework for combating poverty that is being developed.

Allow me very briefly now to refer to the document we adopted in April. It focuses on two tracks, namely, the political-institutional and the socio-economic. Those two tracks, which include the four priorities we in the Peacebuilding Commission have identified in close coordination with the Government of Burundi, will henceforth serve to inform the methodology and priorities of the Commission. We have deliberately limited ourselves to certain important strategic elements; the Peacebuilding Commission cannot do everything. As the Council is aware, our role is to support the United Nations and its Integrated Office in Burundi, which is very ably led by Karin Landgren. We are a supporting political body, not an operational one.

With regard to those priorities, we focus on two elements when it comes to the political-institutional track, namely, consolidating a culture of democracy and dialogue — as my colleague Karin Landgren has mentioned — and, secondly, good governance, human rights and the rule of law. Dialogue and democracy, as we have heard on numerous occasions, are indeed major challenges that we must address jointly with the Government of Burundi, whom the Commission would like to help to establish an environment and space wherein all the parties, whether represented in the Parliament or not, can find a way to discuss their problems and issues in a peaceful, non-violent and civilized manner. I think we are on the right track, but there is still work to be done. With regard to good governance, human rights and the rule of law, there are three issues we want to address, that is, corruption, human rights themselves and transitional justice.

On the socio-economic front, as Ms. Landgren also has mentioned, the greatest challenges facing us when it comes to combating poverty is how to integrate the most vulnerable and those most affected by the conflict into economic life so that they can have the means to live dignified and productive lives. We must also try to ensure that there is no temptation to return to violence by providing a logical viable alternative. We are currently awaiting the finalization of the strategic framework being drawn up by the Government of Burundi in order to know exactly how the Peacebuilding Commission can assist the country.

The second aspect of that track is regional integration, especially within the East African Community. When I visited the region and the country in February, I also visited Arusha and met with the Secretary-General of the Community. I personally believe that investing in regional integration, and especially in the East African Community, is to invest in the future of Burundi. Personally, I was very impressed by the work and momentum being developed by the East African Community.

I will make a few detailed remarks on the various aspects I have just mentioned. With regard to the poverty reduction strategy paper, as I just said, progress is being made, and we encourage the Government and its partners not only to focus on integrating these issues in their documents but also to stress their importance by giving them a formal place in the Partners Coordination Group, which is itself very important. The Burundi configuration will continue to actively support the Government in its efforts to integrate peacebuilding aspects in its poverty reduction strategy paper towards the shared goal of concluding a single framework that will enjoy the committed support of the international community to Burundi and reflect peacebuilding considerations.

In the document adopted in April, which I mentioned earlier, we defined the various commitments of actors. In the area of poverty reduction, the Commission is seeking to organize a donors conference in autumn 2011. Perhaps here I can make an appeal to all members of the Security Council and to the international community as a whole to continue to support Burundi. I believe the country needs and has a right to what I would call a peace dividend. Without socio-economic support for political efforts, we will not succeed. I believe that this aspect cannot be overemphasized.

Financial and economic support for Burundi is very important. The Commission itself, as members know, does not have resources. We do not have our own funds. The only thing we can do is to support and assist the country in its efforts to attain funds from bilateral and multilateral donors.

I will be very brief in my remarks on the other matters, as Karin Landgren has already covered the most important aspects. With regard to the question of dialogue, our aim should be, as I said, to establish a framework that will allow all parties to express

themselves openly and freely, and to create conditions for political actors currently abroad to return to the country. There has been some progress in this area, with, for example, the draft law on political parties and a communiqué from the opposition reflecting some forward movement, but unfortunately I believe that the current draft does not yet adequately satisfy the views and needs of the extra-parliamentary opposition.

With regard to transitional justice, the Government recently held meetings in Geneva with the High Commissioner for Human Rights. I believe the processes are in place. My suggestion would be to approach these topics with a clear vision of the coherence needed to achieve peacebuilding and unity. I believe that the way we address the past is also a way to move into the present and the future. I believe it would be useful and important to do this with a clear vision that will strengthen unity in the country and not create new divisions. Things are undoubtedly on the right track, and we stand ready to support the country in these efforts.

With regard to human rights, I believe Ms. Landgren also covered the main points. I fully confirm what she has just said. I believe that the establishment of an independent national human rights commission is important and hope that it will soon be fully operational. We also welcome, as Ms. Landgren noted, the recent visit of the independent expert on the human rights situation in Burundi. That having been said, we must continue to pay close attention to the situation regarding investigations into torture and extrajudicial killings. Here, we must encourage the country to redouble its efforts to investigate such cases.

In conclusion, what are the next steps? We have established a steering group within the Peacebuilding Commission composed of a limited number of countries and open to all members of the Commission. I would like to thank several members of the Council present today, and the permanent members in particular, for their participation in the steering group. That is very encouraging. We will closely monitor the operational phase, which has now begun, fully aware of the fact that the Peacebuilding Commission is not an operational body and that the work on the ground is being done primarily by the United Nations Office in Burundi and other United Nations entities. But we thought it would be valuable to establish a body that could monitor developments in Burundi more closely and continuously. All of this was done in light of our common goal — and here again I come back to what Ms. Landgren said — to ensure that, as the Commission's work comes to an end, Burundi will be able to live without the Commission in the near future. Again, Burundi's integration into regional bodies is of great importance in my view.

I would like to reaffirm our full support to the Security Council, to Ms. Langren and to the Government of Burundi. We are here to support them and will continue to do so with the political and other resources at our disposal. I hope that we will see these efforts bear fruit in the near future.

The President (*spoke in French*): I thank Mr. Seger for his statement.

I now give the floor to the Permanent Representative of Burundi.

Mr. Gahutu (Burundi) (*spoke in French*): At the outset, I should like to thank you, Sir, for having invited us to this meeting. I would also like to acknowledge and confirm the various points made by the previous speakers, especially the Special Representative of the Secretary-General and Ambassador Seger in his capacity as Chair of the Burundi configuration. I can only agree with their remarks on the various issues addressed.

Here I would also like to welcome the appointment of Ms. Rosine Sori-Coulibaly to support the United Nations Office in Burundi. I believe that this has strengthened the team for the good of our country.

Following the 2010 electoral process, which was carried out successfully under international supervision, Burundi established institutions to conduct the second legislature under Mr. Pierre Nkurunziza, President of the Republic. We would like to recall here that the 2010 electoral process was a success thanks to the spirit of dialogue that prevailed between the Government and its partners, a spirit that was forged through the implementation of the Strategic Framework for Peacebuilding, which was drawn up by the political parties, civil society, the Parliament and the Government.

The first stage of this success was the consensus as to the composition of the National Independent Electoral Commission, which organized the elections, and on the electoral code, which guided the Commission and the parties who competed during the

electoral process. In parallel with the Independent Electoral Commission and the electoral code, the spirit of dialogue also inspired the establishment of a permanent forum for dialogue among the political parties, which is today supported by the ministers responsible for the interior and good governance. This forum for dialogue has recently been expanded by the creation of the institution of the ombudsperson, a mediator between the Government and citizens.

With respect to good governance, a major Burundian delegation has just returned from Geneva, where it had constructive talks with the High Commissioner for Human Rights on setting up mechanisms for transitional justice. As a result of this visit, the High Commissioner for Human Rights promised to assist with this process until its completion. A first team of experts will thus be sent on-site in June. The truth and reconciliation commission is to be set up in 2012, followed by the establishment of a special tribunal for Burundi. These are to be the two transitional justice mechanisms.

At the same time, the process of setting up the independent national human rights commission, in accordance with the Paris Principles, is also moving ahead very quickly. The President of Burundi has just convened by decree a special session of the National Assembly to elect the members and the bureau of Burundi's human rights commission, which is to be held from 17 to 19 May.

We would also like to announce, as mentioned by previous speakers, that the independent expert to provide backing for the Government of Burundi in its efforts to improve the human rights situation is now visiting the country to prepare his last report before the human rights commission begins its work. The commission will then be responsible for reporting on the situation of human rights in Burundi.

In the area of security, an extensive programme to bring defence forces back to their barracks and to deploy the national police has been carried out. This programme was followed by activities to promote ethical and principled behaviour among the military and the police. The programme to disarm the civilian population, through the commission created for that purpose, has made progress and has enabled the retrieval of 83,287 weapons and 620,000 rounds of ammunition from the population, as well as the destruction of 41,320 weapons and 398,000 rounds of ammunition.

At the same time, we have also established the legal and institutional framework allowing us to manage effectively and secure the weapons held by public servants. However, all of the weapons held illegally by the population have not yet been collected. This explains the acts of banditry that have taken place here and there in the country.

On behalf of the Government of Burundi, I would like to take this opportunity to make a new appeal to all of our partners to assist us, to preserve the achievements and progress that have been made in various areas and to help us face the challenges that remain to be tackled.

The President (*spoke in French*): There are no further speakers inscribed on my list. I now invite the members of the Council to continue the discussion on this issue in informal consultations.

The meeting rose at 10.45 a.m.